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*Attorneys for Plaintiff  
L & L Wings, Inc.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

L & L WINGS, INC.,

Plaintiff and Counterclaim Defendant,

-against-

MARCO-DESTIN INC., 1000 HIGHWAY  
98 EAST CORP., PANAMA SURF &  
SPORT, INC. AND E & T INC.,

Defendants and Counterclaim Plaintiffs.

Civil Action No. CV-07-4137  
(BSJ) (GWG)

**DECLARATION OF  
HAROLD THOMPSON  
RE: STORE #745**

Harold Thompson declares as follows under 28 U.S.C. § 1746:

1. I am an agent of Investigations Unlimited, Inc. ("IUI") which is located in Whiteville, NC. IUI is a private investigative agency.

2. In or around April 2008, I was contacted by Michael Martinez of Advantage PI, Inc. ("Advantage") of Tampa, FL. Advantage retained me to visit and photograph the

establishment located at 102 Hwy. 17 N., North Myrtle Beach, SC 29582 ("Store 745"). I was instructed to note the usage of any "Wings" signage inside and outside the store, and to purchase a small item and obtain the bag and receipt.

3. On April 17, 2008 at 9:17 pm, I arrived at Store 745 and observed that:
  - a. the main outdoor signs displayed the name "Wings";
  - b. outside the store, parking lot signage displayed the name "Wings";
  - c. within the store, there were hang tags attached to merchandise that also displayed the name "Wings."

4. During my visit to Store 745, I purchased a key chain for \$1.59. The receipt displayed the "Wings" name. A true and correct copy of that receipt is attached as Exhibit A.

5. The shopping bag that I received with my purchase also displayed the "Wings" name. A true and correct photograph of that shopping bag is attached as Exhibit B.

6. Attached hereto as Exhibit C is a true and correct copy of my contemporaneous report prepared at Advantage's request and upon which this Declaration is based.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 26 day of June, 2008.

  
HAROLD THOMPSON



**Wings 745**

102 Hwy 17 North

N. Myrtle Beach, SC 29582

Tel(843)249-7109 Fax(843)249-3311

Date: 4/17/2008

Receipt # 142949

Time: 6:37:14 PM

AME MYRTLE BEACH, SC

Cashier: avi

WS# 3

ITEM#	QTY	PRICE	EXT PRICE
76456	1	\$1.49	\$1.49
MYRTLE BEACH-3D TDROP K/C			
1 Unit(s)		Subtotal:	\$1.49
		7.000 % Tax.	\$0.10
		RECEIPT TOTAL:	\$1.59
		Tend.	\$1.60
		Change:	\$0.01

Cash: \$1.60

Exchange within 7 days

with receipt only.

Exchange within 7 days of purchase with original receipt.  
Merchandise in original conditions and with  
the original tags.

NO EXCHANGES ON BEACH ACCESSORIES:  
CLEARANCE AND BATHING SUITS.

NO RETURNS



142949

**EXHIBIT A**



**SOUTH CAROLINA • ALABAMA • FLORIDA • TENNESSEE**

**[www.marcodestin.com](http://www.marcodestin.com)**

**EXHIBIT B**



### On-Site Store Checklist

Location Address : 102 Hwy. 17 – North Myrtle Beach, S.C.

Date and Time of Visit : April 17, 2008 - 9:17 p.m.

Agent Company Name : Investigations Unlimited, Inc.

Agent Name : Harold Thompson

*Please complete the below questions pertaining to the use, display and any visible association the "Wings" Trade dress*

1. Do The Main Outdoor Signs display the name "Wings"?

  X    
Yes

        
No

1a. If answered No to the above question, what do the signs read?

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2. Do any Parking Lot Signs or Parking Notice Directions display the name "Wings"?

  X    
Yes

        
No

3. Upon entering and walking around the store, did you notice any small signs that display the name "Wings"? Please be sure to include signs on top of clothing racks, the Store Policy Notice, Store Hours Posting, signage near the dressing room and any other forms of display in your response.

        
Yes

  X    
No

4. While walking around the store, did you notice any hang tags or product promotion stickers attached to merchandise that display the name "Wings"?

  X    
Yes

        
No

4a. If answered Yes to the above, please describe:

Several clothing and other items had tags with "Wings" on them. Most items had "Wings" on the barcodes.

*For the questions below, base your responses on observations gathered after purchasing an item less than \$2.00 in the store. Be sure to request an itemized receipt and shopping bag.*

5. What item did you purchase and how much did it cost?

I purchased a keychain. The cost of the pen was marked \$1.49.

6. Does the receipt display the name "Wings"?

  X    
Yes

        
No

7. Does the shopping bag you received or do any shopping bags located behind the register display the name "Wings"?

  X    
Yes

        
No

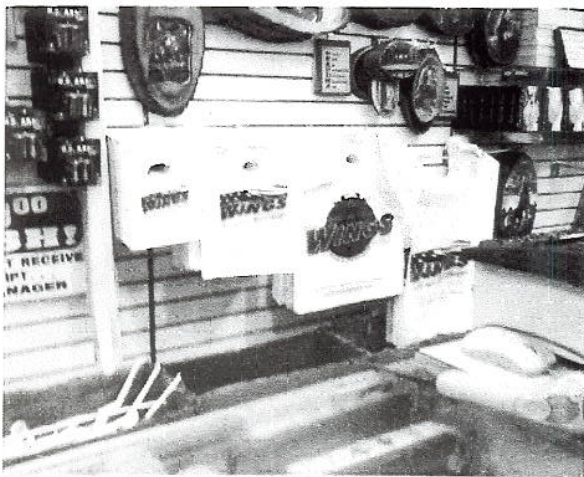
**EXHIBIT C**



1



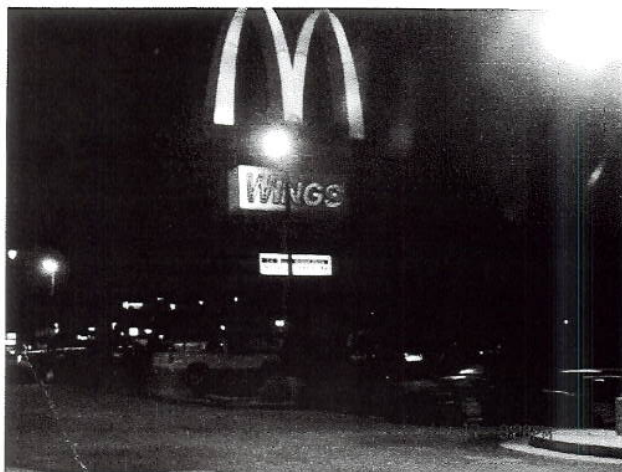
2



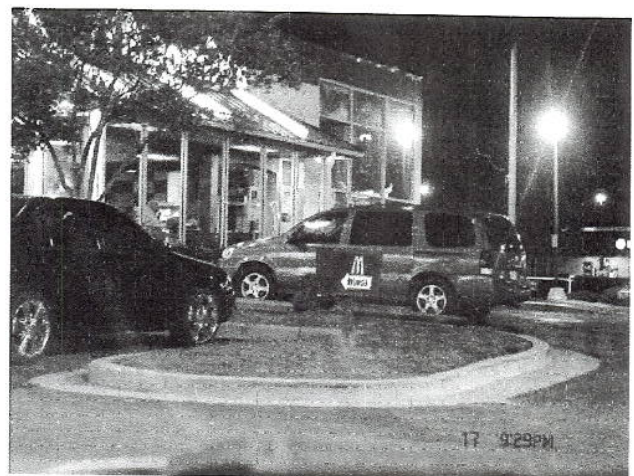
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4



5



6